

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JUNE 20, 2013; 5:44 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,
BARRY FLITTON, JORY FRANCIS AND SCOTT
FREITAG**

ABSENT:

MICHAEL BOUWHUIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, KENT ANDERSEN, JIM MASON,
KEVIN WARD, DEAN HUNT, ED FRAZIER AND
THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Curtis opened the meeting and turned the time over to Alex Jensen, City Manager.

MISCELLANEOUS:

Alex reminded Council that the ribbon cutting ceremony for the splash pad would be June 29th at 11:00 a.m., and the fire training tower ribbon cutting would be on July 16th at 10:00 a.m.

Alex said Staff wanted to inform the Council of the fireworks restrictions in certain parts of the community that the City traditionally put in place through the Fire Department at this time of year. He said Staff intended to do that again this year but wanted to inform the Council and get feedback.

Kevin Ward, Fire Chief, handed out a draft copy of a press release that would be sent out. He said a few years ago the City took a real proactive approach by passing some bans on fireworks; one of those was a restriction east of Highway 89. Kevin said this was before aerial fireworks were allowed in the State. He said with the allowance of aerial fireworks within the State, last year the Council enacted a partial ban of aerals within the City.

Kevin said based on the potential for fire danger this year, Staff was recommending to continue with the aerial ban in restricted areas that were identified last year. He said Staff would be sending out the press release and would like feedback from the Council. Kevin said they were working with the IT Staff to get an interactive map posted on the City's website so that residents could see if their home was in a restricted area.

Kevin said the fireworks vendors had been great, in terms of being able to educate people. He said there were a record number of firework stand permits this year with 26 vendors.

Councilmember Freitag said Andy Adams and Sandridge Parks were open for residents to set off fireworks during the legal discharge period. He asked if the City made access available to water in those areas so that people could extinguish their fireworks before removing spent fireworks from the area.

Kevin said citizens were instructed to put their spent fireworks into a bucket of water.

Councilmember Freitag asked if water was provided.

Kevin said that could be done. He said Staff would make sure something was available.

Dean Hunt, Fire Marshall, said he received a lot of comments from the fireworks vendors and they

appreciated what the City had done. He said Staff met with the vendors and provided maps for them to display explaining to citizens where the bans were in place. Dean said even though there were restrictions, they liked working within Layton.

Kevin said Staff was proposing changes to Title 9 of the Municipal Code relative to sky lanterns. He said citizens were told last year they were not allowed, but they had become quite popular. Kevin said HB 289 that was passed by the State legislature this last year specifically mentioned sky lanterns, but indicated that it was up to the local legislative body to make the decision on banning those. He said Staff was recommending a change in Title 9 that sky lanterns be prohibited anywhere in the City. Kevin said Staff viewed sky lanterns as flaming litter. He said the largest manufacturer of sky lanterns recommended that they should not be launched within five miles of an airport. He said Staff felt that with the City's proximity to Hill Air Force Base that it certainly was a concern. Kevin said several states had enacted statewide bans on sky lanterns. He said sky lanterns could go up to 1,000 feet high and travel several miles. Kevin said there were also recommendations by the manufacturers that they not be launched in winds in excess of 5 miles per hour. He said in this area that would be virtually never.

Councilmember Brown said the map would be on line and at the firework stands.

Kevin said yes; each stand was given numerous copies of the maps and the online map was interactive.

Alex said Jim Mason was working with Lynn Arave on an article. He said Staff wanted to wait for a decision on sky lanterns before pushing the article out.

AGENDA:

INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND BRIGHAM CITY TO JOINTLY USE EACH OTHER'S DATA FACILITY TO PROVIDE FOR CONTINUITY OF OPERATION IN THE EVENT OF A MANMADE OR NATURAL DISASTER THAT DAMAGES ONE OF THE FACILITIES – RESOLUTION 13-33

Jim Mason, Assistant City Manager, said one of the concerns the City had relative to emergency management was the possibility of losing the building in the event of an emergency. Every night the City's computer data was backed up and those files were stored offsite, but it would be a big hardship if the City lost its computers. There were centers around the country that provided backup service, but it was very expensive. It would cost approximately \$1,400 a month to use one of these facilities.

Jim said as Staff was considering ways to deal with this, the cost of duplicate equipment was a concern. He said Staff had refurbished old equipment that could be used as back-up equipment. Jim said the City had enough equipment to provide for backup. He said the proposed agreement with Brigham City, which was a UTOPIA city, would allow for the City to put its equipment at their location for about \$50 a month. Jim said Layton City and Brigham City would have backup of data and hardware at each other's location, and the data could be transferred very quickly over UTOPIA lines. The interlocal agreement would formalize the way the cities would work together to accomplish this. Jim said there would be no compensation to Brigham City or Layton City; the compensation would be the reciprocal use of the facilities.

Councilmember Flitton asked about an alternate site away from the Wasatch Front; Brigham City was relatively close in the event of a natural disaster.

Jim said Staff felt that this was a good compromise for the money and the coverage. He said a major earthquake would probably not take down both facilities.

Councilmember Flitton said he thought that it was a good compromise but wondered if it might be wise to budget a larger amount of money to accommodate this type of backup system. He said years ago his

company had a backup in Denver. Councilmember Flitton said the legalities of losing the data could become a big issue.

Jim said that was something that Staff could always be working toward; finding another option. He said there would be higher costs when hiring an outside company.

Councilmember Flitton said he wasn't suggesting going with a different company, but looking at it as an additional option.

Jim said another advantage of having it in Brigham City was that it would be close enough to easily send Staff up there to work on the equipment.

Councilmember Freitag said this was just for space; the City would provide its own equipment.

Jim said that was correct.

Councilmember Freitag asked if the City needed to budget for additional racks or servers.

Ed Frazier, IT Manager, said the City had retired servers, that had been refurbished, that would be moved to the Brigham City site. He said the City would need to purchase one switch, but that had already been budgeted.

Council and Staff discussed security of the data.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-20

Tracy Probert, Finance Director, said Ordinance 13-20 contained 3 proposed amendments to the Consolidated Fee Schedule; two related to the street lighting system. He said one of the proposed changes was for a new street lighting fee that was included in the proposed tentative budget. Tracy said the proposed fee was \$2 per month per single family residential unit; \$1 per unit per month in a multi-family unit; and for commercial properties it would be \$2 per month per equivalent residential unit. He said the equivalent residential unit was calculated based on frontage of the commercial property; 75 feet was set as one unit. Tracy said the Finance Department and GIS Division were working on mapping all of the commercial properties in the City and would have those rates set before the first billing date around August 1st.

Councilmember Brown asked if commercial properties would be charged on two frontages if they were on a corner lot.

Tracy said it was calculated on the entire property; a corner business would be charged on two frontages. He said Staff had been working on this for a couple of months because there were several complicating factors depending on how a commercial property was subdivided or how the utilities were billed.

Councilmember Freitag asked about schools or nonprofit organizations.

Tracy said they were treated as commercial accounts and would be charged the fee; those types of uses were not exempt from utility fees.

Alex said Staff was trying to mirror the current standard for utilities and be consistent with the billings.

Councilmember Freitag asked about undeveloped land.

Tracy said if they were not currently receiving a utility bill they would not be billed. He said if there wasn't an occupant on the property that would benefit from the system, it would be difficult to assess a

fee.

Councilmember Flitton said the property owner would be benefiting from the street lights even if the property wasn't developed.

Councilmember Brown said when property was developed, the developer had to pay a street lighting fee to have street lights installed in the subdivision. He said developers would not want to pay a fee and then pay an additional fee to have street lights installed in their subdivisions.

Council and Staff discussed amending the fee schedule at a later date to include vacant property if that was the decision of the Council.

Council and Staff discussed interior properties that did not front on public streets.

Tracy said the second part of the street lighting fee adjustments had to do with fees developers paid for fixtures. He said the adjustments were a pass through from suppliers.

Tracy said the third proposed fee change related to North Davis Sewer District fees. He said the District was imposing a rate increase of \$1.50 per connection; for hotels and motels it would be 40% of that fee per room. Tracy said the excess usage was also going up \$.15 per 1,000 gallons of water. He said the rate increases would be passed through to utility customers.

Councilmember Freitag asked Tracy to remind him of the changes that were recently made to hotel utility rates.

Tracy said sewer rates were adjusted down significantly. He said hotel rates were previously charged 70% of the standard rate, per room. Tracy said after a study, that rate was reduced to 40%. He said these new increases from the District would be calculated at 40% as well.

Councilmember Flitton asked if the City had received any negative comments from the development community about the requirement to install street lights.

Alex said generally developers were like anyone else; they weren't happy when they had to pay for anything extra or new. He said there were a few of those types of comments followed by a comment that they appreciated the way the City was doing it and felt that it was fair. Alex said they appreciated the importance of street lights that benefited their developments and made them more attractive. He said they also appreciated the fact that the City was bidding for installers and that there would be a set price, which was less than what it was costing them individually to install street lights. Alex said one developer had indicated the fee was half of what it was costing him to install the lights. He said the feedback he had received had been very positive.

Alex said most of the comments he had seen on social media from the public had been positive about the street lighting fee if the system would be upgraded and street lights installed in older subdivisions that did not have street lights.

AMENDMENT TO TITLE 9 OF THE LAYTON MUNICIPAL CODE – ORDINANCE 13-21

Gary Crane, City Attorney, asked the Council if they had any questions about what they had read relative to the proposed changes to Title 9. He said most of the changes were a general cleanup of the Code and the big sections that were removed were now addressed in State code. Gary reviewed some of the language that was removed or updated in the Code.

Gary said one section needed to be removed; Section 9.24.020, relative to pool halls. He said that was really dated and should be removed. Gary reviewed other language that was removed from the Code.

Gary said Section 9.44.080 was inserted to allow for provisions that Chief Ward discussed earlier on the prohibition of sky lanterns.

Councilmember Freitag said Section 9.08.040 indicated the unlawful use of a telephone. He asked why that wouldn't be stated to include all electronic devices.

Gary said electronic devices were addressed in State code; this would cover things Staff felt were not included in State code.

Councilmember Freitag said he was thinking of the recent trend of using social media for bullying. He said since it was covered in State code, it didn't need to be addressed in the City's Code.

Gary said that was correct because the City generally adopted State law.

Councilmember Freitag asked if the unlawful use of a telephone was not covered in State law.

Gary said it was, but there was a little nuance that the City wanted to clarify relative to using the telephone to lawfully obtain money. He said State law covered any type of bullying whether it was by phone or computer.

Gary mentioned changes the legislature made to State code relative to fireworks. He reviewed language added to the City's code relative to fireworks.

AMEND BUDGET FOR FISCAL YEAR 2012-2013 – RESOLUTION 13-32

Tracy Probert asked if there were any questions or concerns the Council had as they went through the information. He said this was typically a housekeeping procedure to bring the budget in line. Tracy said if an unanticipated expense was going to take one of the departments or funds over budget, the City would have to do an amendment during the year before the money was spent. He said the City was not in that situation during the year. Tracy said all of the proposed amendments had been discussed previously.

ADOPT BUDGET AND CERTIFIED TAX RATE FOR FISCAL YEAR 2013-2014 – ORDINANCE 13-19

Tracy said there was one change to the tentative budget relative to the property tax revenue estimate. He said his original estimate adopted in the tentative budget was \$6,700,000. When the City received the certified tax rate and amount from the County it was \$6,245,000, which was \$454,000 less than indicated in the tentative budget. Tracy said part of that was a misinterpretation on his part; he was going off of collected versus budgeted property taxes. He said there was still a debate about why it wasn't based on the collected amount instead of the budgeted amount; it appeared that the law would penalize entities that were growing and favor entities that were in a decreasing value market.

Tracy said Staff felt comfortable distributing that difference with \$130,000 to delinquent property tax; adding \$100,000 to sales tax, which would still leave the sales tax estimate for next year below what was anticipated for this year; increasing building permits \$100,000; increasing building plan check fees \$50,000; and increasing the use of fund balance \$74,000.

Alex said Councilmember Bouwhuis had mentioned to him earlier in the week a discussion among some of the Council about trying to adjust the Community Action Council contribution from \$20,000 to \$25,000.

Councilmember Freitag said the Council was approached after the last meeting about that. He said he and

Councilmember Bouwhuis provided some counsel to their representative indicating that even if there was some misunderstanding, the Council still held their same concerns. Councilmember Freitag said he hoped that their representative didn't have any anticipation that that change was being made tonight; it was made pretty clear to the representative that the Council would not be making that change.

Tracy said Staff would recommend that a change not be made tonight, and if an adjustment was made that it be done at some future time.

Councilmember Freitag said the representative was told that same thing.

The meeting adjourned at 7:01 p.m.

Thieda Wellman, City Recorder